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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/083,726

10/19/2001

Edward J. Shoen

57111-5120

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48276

7590

11/28/2006

TIFFANY & BOSCO
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EXAMINER

POND, ROBERT M

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 11/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/083,726

Applicant(s)

SHOEN ET AL.

Examiner

Robert M. Pond

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The Applicant amended Claims 1, 2, 3, 4, 16, and 17. All pending claims (1-21) were examined in this non-final Office Action necessitated by new grounds of rejection under 35 USC 101 and 35 USC 112 2nd paragraph. The Examiner is suggesting the Applicant consider a telephonic interview for further discussion pertaining to claimed subject matter.

Response to Arguments

Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection. The Applicant amended all independent claims which resulted in new search and/or consideration of the primary reference and supporting references. In light of the amended claims language, Home Link Services was withdrawn in favor of patent prior art assigned to Home Link. Services.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 11-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention. Ambiguous as to whether the Applicant is claiming software or hardware. For examination purposes, the examiner is assuming the Applicant is claiming "program code embodied on a computer-readable medium executable by a computer" and each claim element.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

- 2. Claims 11-15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

The Applicant is claiming software (i.e. marketplace) which is non-statutory subject matter. For examination purposes, the examiner is assuming the Applicant is claiming "a computer network providing a marketplace for the sale of services."

- 3. Claims 11-15 and 21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

The Applicant is claiming software when referring to either a "customer application," "vendor application," "administrative application," or "content module." For examination purposes, the examiner is assuming the Applicant is claiming "program code embodied on a computer-readable medium executable by a computer."

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 1. Claims 1-5, 10, 11, and 16-21 are rejected under 35 USC 103(a) as being unpatentable over Raveis, JR (Paper#20051130, US 2001/0037230, which incorporates in its entirety Raveis, JR, US Patent Application 09/459,234, now US Patent 6,321,202 herein referred to as Raveis '202) in view of Gilgoff (PTO-892, Item: U).**

Raveis, JR (hereinafter Raveis) teaches a system and method of providing moving and relocating relocation services (see at least abstract; Figs. 1-5; col. . Raveis further teaches:

- processing an originating transaction by accepting customer input requested by a host; system offers a complete explanation of truck rental service, consumer requests truck rental service (see at least Fig. 1 (24, 40), and consumer completes order form for truck rental service (see at least Fig. 2 (40-142).
- enabling a customer in the computer network marketplace to access content describing an auxiliary service relating to the originating transaction; consumer can request other service information (see at least

Fig. 2 (150)) and return to main method flow as depicted in Fig. 1 and request an auxiliary service (e.g. box company service, storage service, and/or container service) (see at least Fig. 1 (3, 4, 5));

- and processing a secondary transaction for the auxiliary service between the customer and a service provider wherein the service provider is listed in the marketplace at the discretion of the host, the customer input for the originating transaction is used by the host to expedite processing of the secondary transaction, consumer requests box company service, completes form, and system sends order to box company (see at least Fig. 3 (50, 252, 254); Inherent in Raveis are the structures that permit listing service providers at discretion of the host. Please note the entity that owns and/or operates the system controls what businesses are listed.
- advertising: databases for advertisers; advertising requests by customers (Raveis '202: see at least col. 6, lines 64-66).
- receiving customer feedback relating to a vendor: conducts customer surveys during a transaction (see at least Raveis '202) (i.e. once in the marketplace); conducts a post-move customer survey (i.e. application file still active) and stores the survey information (see at least Raveis).

Raveis teaches all the above as noted under the 103(a) rejection and teaches a) an originating transaction and secondary transaction, b) a business entity managing the online service providing a suite of services using third-party service

companies and vendors, c) providing customer satisfaction during the performance of third-party services being a major objective of the service, and d) facilitating revenue streams resulting from service provider costs associated with services rendered, but does not disclose facilitating escrow payments. Gilgoff teaches a company providing material and arranging third-party contractor services, and managing an escrow account. Gilgoff further teaches the company using some of the customer's payment for the products to be used (i.e. an originating transaction) and paying the contractor who does the work (i.e. a secondary transaction) by the company when the service is completed to the customer's satisfaction (i.e. protects customer's interests) (U: see pages 1 and 2). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of Raveis to facilitate payment via an escrow account managed by the company as taught by Gilgoff, in order to ensure customer satisfaction of services rendered through the host, and thereby attract customers to the online service.

- 2. Claims 6-8 and 14 are rejected under 35 USC 103(a) as being unpatentable over Raveis (Paper# US 2001/0037230, which incorporates in its entirety Raveis, JR, US Patent Application 09/459,234, now US Patent 6,321,202) and Gilgoff (PTO-892, Item: U), as applied to claims 4 and 11, further in view of Diehl (PTO-892, Item: V).**

Raveis and Gilgoff teach all the above as noted under the 103(a) rejection and teach coordinating through the system services supporting moving and relocation comprising truck rental services, box services (i.e. box company supplying packing boxes), storage services, and storage container services, but fail to disclose other auxiliary services. Diehl teaches an online service provided by Long & Foster Real Estate that lists merchants and home service providers mortgage, insurance, title insurance, home inspection, home warranty and moving services, plus painters, electricians, landscapers and other service providers (V: see page 1). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of Raveis and Gilgoff to provide additional access to home services as taught by Diehl, in order to attract potential movers to the service and thereby increase sales.

- 3. Claim 9 is rejected under 35 USC 103(a) as being unpatentable over Raveis (Paper#20051130, US 2001/0037230, which incorporates in its entirety Raveis, JR, US Patent Application 09/459,234, now US Patent 6,321,202) and Gilgoff (PTO-892, Item: U), as applied to claim 4, further in view of MENO (PTO-892, Item: W).**

Raveis and Gilgoff teach all the above as noted under the 103(a) rejection and teach coordinating through the system services supporting moving and relocation comprising truck rental services, box services (i.e. box company

supplying packing boxes), storage services, and storage container services, but fail to disclose other auxiliary services, but fail to disclose other auxiliary services. MENO teaches Directmoving.com providing an extensive range of information and services to both HR professionals and relocating employees. MENO teaches individuals being able to find information on banks, doctors, travel arrangements for their pets, links to the home pages of kindergarten schools in various areas, language courses, a hotel guide and real estate information (W: see page 2). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of Raveis and Gilgoff to provide additional access to additional relocations services and hotel information as taught by MENO, in order to attract potential movers to the service and thereby increase sales.

- 4. Claim 15 are rejected under 35 USC 103(a) as being unpatentable over Raveis (Paper#20051130, US 2001/0037230, which incorporates in its entirety Raveis, JR, US Patent Application 09/459,234, now US Patent 6,321,202 hereinafter referred to as Raveis '202) and Gilgoff (PTO-892, Item: U), as applied to claim 4, Official Notice (regarding notoriously old and well-known in the arts).**

Raveis and Gilgoff teach all the above as noted under the 103(a) rejection and teach customers using the service resulting from a real estate transaction (Ravei '2020), and b) taking a customer application for move services, but do not

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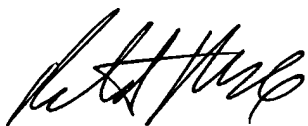
disclose accepting input relating to the customer from an external source to expedite processing customer input and processing vendor input. PR Newswire teaches The Examiner takes the position that it is notoriously old and well-known in the arts for businesses to accept information from an external source when processing customer applications. For example, customer information supplied by credit bureaus are used by business to approve or disapprove customer applications. Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method Raveis and Gilgoff to accept information from an external source as taught by Official Notice, in order to ascertain on-going requirements for improvement based on survey results, and thereby attract consumers and sellers to the service.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Robert M. Pond
Primary Patent Examiner
November 24, 2006